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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re patent application of: SCHWARTZ, et al

Serial No.: 09/622,199

Filed: May 31, 2001

For: NON-IMIDAZOLE ALKYLAMINES AS  
HISTAMINE H<sub>3</sub>-RECEPTOR LIGANDS AND  
THEIR THERAPEUTIC APPLICATIONS

Examiner: Seaman, D.

Art Unit: 1625

Docket No.: P06853US00/LRP

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

SIR:

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Attached is:

- ☐ a response after Final Rejection dated
- ☒ a response to the Restriction Requirement dated September 6, 2001.
- ☐ a Preliminary Amendment
- ☐ a Petition for an extension of time
- ☐ Other:

Fees: For claims if required and/or other fees as shown below:

	NOW	Previously Paid For	Present Extra	Rate	\$
TOTAL CLAIMS	88	88		X \$ 18 =	
INDEP. CLAIMS	1	3		X \$ 84 =	
TOTAL OF ABOVE CLAIMS FEES =					
Reduction by 1/2 for <b>small entity status</b> of applicant					
SUBTOTAL =					
Fee for extension of time (per attached Petition)					
Other fee for					
TOTAL OF ALL FEES =					0

- ☒ A check in the amount of \$0 is enclosed. If no check or an insufficient check is enclosed and a fee is due in connection herewith, the Commissioner is authorized to charge any fee or additional fee due in connection herewith to Deposit Account No. 12-0555. A duplicate of this sheet is enclosed.
- ☒ In the event that a petition for extension of time is required to be submitted herewith and that a separate petition is not submitted herewith, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized above.

Respectfully submitted,

By: Linda R. Poteate

Registration No.: 36255

Date: October 9, 2001

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**RESPONSE**

Honorable Commissioner for Patents  
Washington, D.C.

S I R:

In response to the Restriction Requirement mailed September 6, 2001,  
Applicants hereby elect to prosecute the Group II invention, claims 29-38 drawn to  
compounds of formula (IIa). This election is made with traverse.

The present invention is based on the discovery that compounds having W  
residues, usually attached to imidazole ring, may also present H<sub>3</sub>-receptor ligand activity  
when they are attached to other moieties represented by -NR<sub>1</sub>R<sub>2</sub> in formula (A). The  
common core between all of these groups is the specific use of a compound having  
formula (A) wherein W, N, R<sub>1</sub> and R<sub>2</sub> are the features and more particularly wherein W  
has a functional definition, i.e., a residue which imparts antagonist and/or agonist  
activity at histamine H<sub>3</sub>-receptors when attached to an imidazole ring.

Therefore, contrary to the Examiner's contention, it is not correct that the  
common core between the groups listed by the Examiner is limited to "N". Rather, the  
present invention relates to a single general inventive concept as recited in claim 1.

Accordingly, it is requested that the Examiner withdraw the Restriction Requirement.

Favorable consideration is respectfully requested.

Respectfully submitted,

LARSON & TAYLOR, PLC

A handwritten signature in cursive script, reading "Linda R. Poteate". The signature is written in dark ink and is positioned above the printed name and registration number.

Linda R. Poteate

Registration No. 36255

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October 9, 2001